

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00432-PAB-MEH

SANTIAGO ABREU,

Plaintiff,

v.

TAVIN FOODS, INC. d/b/a Riverbend Market & Eatery,

Defendant.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on April 14, 2016.**

Before the Court are the *pro se* Defendant's Motion to Dismiss [[filed April 7, 2016; docket #13](#)], Plaintiff's Motion to Strike Defendant's Motion to Dismiss [[filed April 8, 2016; docket #16](#)], and Plaintiff's Unopposed Motion to Stay Action to Facilitate Settlement [[filed April 8, 2016; docket #17](#)].

Plaintiff informs the Court in his motion to stay that the parties are attempting in good faith to negotiate a resolution of this case. With this in mind and considering this District's admonition that "motions to strike are generally disfavored,"<sup>1</sup> the Court finds it in the interests of justice to **deny without prejudice** the motion to dismiss and motion to strike, and **grant** the unopposed motion to stay the proceedings of this case (including the answer deadline) temporarily as follows.

The Scheduling Conference currently set for April 25, 2016 is **vacated and rescheduled to July 13, 2016 at 9:45 a.m.** in Courtroom A-501, on the fifth floor of the Alfred A. Arraj United States Courthouse located at 901 19th Street, Denver, Colorado. If this date is not convenient, counsel should confer with opposing counsel and contact my Chambers to obtain an alternate date. All parties must be present if they wish to change the date of the conference by telephone; otherwise, any party seeking to change the conference date must file a motion. Absent exceptional circumstances, no request for rescheduling will be entertained unless made **five business days prior** to the date of the conference.

In addition, counsel for the parties and any unrepresented parties in this case are to hold a meeting and jointly prepare a proposed Scheduling Order in accordance with Fed. R. Civ. P. 26(f) on or before **July 1, 2016**. All other aspects of this Court's February 25, 2016 order remain in effect.

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<sup>1</sup>*Colo. Env'tl. Coalition v. Office of Legacy Mgmt.*, 819 F. Supp. 2d 1193, 1202 (D. Colo. 2011) (quoting *Resolution Trust Corp. v. Ascher*, 839 F. Supp. 764, 765 (D. Colo. 1993)).

Should the parties come to a resolution before July 13, 2016, they shall inform the Court by motion or notice of settlement. However, if they do not, the Court will discuss with the parties at the Conference the re-setting of all deadlines.